

# Rule-Making Fact Sheet

(5 M.R.S.A. §8057-A)

**AGENCY:** Department of Environmental Protection

**NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:**

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**CHAPTER NUMBER AND RULE TITLE:** Chapter 594\_State Contribution to  
Overboard Discharge Replacement Projects

**STATUTORY AUTHORITY:** 38 M.R.S.A. § 411-A

**DATE AND PLACE OF PUBLIC HEARING:** July 1, 2004 @ 1:00p.m.  
Holiday Inn/Ground Round  
110 Community Drive, Augusta

**COMMENT DEADLINE:** July 16, 2004

**PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:**

This proposed amendment to the existing Chapter 594 rule contains changes to make the rule consistent with recent amendments to 38 M.R.S.A. §411-A(2-A), §413(3) and §414-A(1-B). The amendments change the basis for reimbursement from property usage to annual income of the property owner for the previous year. The changes also provide reimbursement for replacement systems required by property transfers and reimbursement for system replacements required at time of relicensure.

Additional changes include definitions for construction costs and property usage. Priority levels are changing and the process for developing a priority list is clarified. Eligible costs are clarified and grant percentage for multi-use properties is explained as a pro-rata share of all uses. The method of grant administration is being clarified to cover individual or town administered projects. Additional changes will clarify which documents are required for a contract, department notification before contract award, how payments will be made and clarification of inspection requirements for system installations.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:**

This proposed amendment to the rule will be a benefit to public health and safety by encouraging the continued elimination of overboard discharges into redeemable

shellfish harvesting areas. These rule changes are not anticipated to create any negative impacts, comments or other controversies.

Other than the change from grant awards based on property usage to property owner income, the proposed changes to the Chapter 594 Rule will not alter any administrative procedures or requirements with respect to the operation of the rule and the grant program.

#### **FISCAL IMPACT OF THE RULE:**

A. Fiscal impact on the regulated community.

These proposed rule changes could either raise or lower the fiscal impact on the regulated community, since the basis for reimbursement changes from property usage to property owner income. There will be some instances where a property or business owner would see his reimbursement percentage remain the same.

B. Fiscal impact on state government.

The source of the grant funds for this program are bond issues authorized by the Legislature and approved through referendum vote. No funds come directly from State General Funds, Dedicated Revenues or other budget sources. The State should see benefits from increased revenues due to the economic impact of adding more acreage to shellfish harvesting areas.

C. Fiscal impact on municipalities.

There will be no direct fiscal impact on municipalities. Municipalities should see increases in harvesting revenues from opened shellfish areas.

***FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

*Note: If necessary, additional pages may be used.*